

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**MYRON WENDELL SHEPPARD,**

**Petitioner,**

**V.**

**ALAN CARTER, WARDEN,**

**Respondent.**

**CIVIL ACTION NO. 5:10-CV-192 (MTT)**

## ORDER

This matter is before the Court on the Recommendation (Doc. 6) of United States Magistrate Judge Charles H. Weigle on Petitioner Myron Sheppard's Petition for Writ of Habeas Corpus (Doc. 1). The Magistrate Judge recommends denying the Petitioner's Petition under 28 U.S.C. § 2254 seeking federal habeas corpus relief. Although the Petitioner filed an Objection to the Recommendation (Doc. 7), the Objection does not identify specific findings in the Recommendation or articulate legal grounds for objection pursuant to Fed. R. Civ. P. 72(b)(2). See *Marsden v. Moore*, 847 F.2d 1536, 1548 (11th Cir. 1988) ("Parties filing objections to a magistrate's report and recommendation must specifically identify those findings objected to. Frivolous, conclusive, or general objections need not be considered by the district court."). Instead, the Petitioner's Objection merely restates the same arguments made in his Petition.

Also, the Petitioner never addresses the Recommendation's finding that two of his three grounds for relief are procedurally defaulted. To the extent that the Petitioner's remark that "the federal constitutional grounds were raised in the trial court in a motion for new trial" serves to address this finding, the Petitioner cites no authority for why

raising the alleged constitutional violations for the first time in a motion for new trial rather than raising them as objections at trial explains why his claims are not procedurally defaulted. Regarding the Petitioner's remaining ground for relief, the Court agrees with the Recommendation that the "claim is without merit" and the Georgia Court of Appeals' decision was reasonable.

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. The Recommendation is adopted and made the order of this Court, and the Petitioner's Petition for Writ of Habeas Corpus is **DENIED**. Further, pursuant to the Magistrate Judge's Recommendation, a certificate of appealability is **DENIED**.

**SO ORDERED**, this the 8th day of January, 2013.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT